

§ 1102.7 Officials authorized to grant or deny requests for records.

The General Counsel shall furnish necessary advice to Corporation officials and staff as to their obligations under this part and shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this part by and within the Corporation. The Freedom of Information Officer, with concurrence from the appropriate program officials of the Corporation, is authorized to grant or deny requests under this part. The Freedom of Information Officer shall consult with the General Counsel before denying requests under this part, or before granting requests for waiver or modified application of an exemption or for categories of records which the General Counsel determines may present special or unusual problems.

§ 1102.8 Denials.

(a) A denial of a written request for a record that complies with the requirements of § 1102.5 shall be in writing and shall include the following:

(1) A reference to the applicable exemption or exemptions in § 1102.6(b) upon which the denial is based;

(2) An explanation of how the exemption applies to the requested records;

(3) A statement explaining whether there is any segregable nonexempt material of the record after deleting the exempt portions;

(4) The name and title of the person or persons responsible for denying the request; and

(5) An explanation of the right to appeal the denial and of the procedures for submitting an appeal, including the address of the official to whom appeals should be submitted.

(6) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action shall be deemed a denial of a record for purposes of paragraph (a) of this section.

§ 1102.9 Appeals of denials.

(a) Any person whose written request has been denied is entitled to appeal the denial within thirty calendar days of issuance thereof by writing to the CEO of the Corporation at its head-

quarters. The envelope and letter should be clearly marked: "Freedom of Information Appeal." An appeal need not be in any particular form, but should adequately identify the denial, if possible, by describing the requested record, identifying the official who issued the denial, and providing the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference may be arranged with the Corporation CEO, or the CEO's designated representative, for this purpose.

(c) The appeal decision of the CEO, or the CEO's designated representative, shall be in writing and, in the event the denial is in whole or in part upheld, shall contain an explanation responsive to the arguments advanced by the requester, the matters described in § 1102.8(a) (1) through (4), and the provisions for judicial review of such decision under section 552(a)(4) of the FOIA. The appeal decision shall be dispatched to the requester within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to § 1102.5(c). The appeal decision shall constitute the final action of the Corporation. All such decisions shall be treated as final opinions under 5 U.S.C. 552(a)(2).

§ 1102.10 Fees.

(a) Records provided routinely in the normal course of doing business will be provided at no charge.

(b) Fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are for a commercial use request;

(c) Fees shall be limited to reasonable standard charges for duplication when records are not sought through a commercial use request and the request is made by an educational institution or non-commercial scientific institution, whose purpose is scholarly or scientific research, or a representative of the news media; and

(d) For any request not described in paragraph (b) or (c) of this section, fees shall be limited to reasonable standard